

REMARKS

Of the forty-three claims originally submitted in this application eleven of them, Claims 1-9 42 and 43, have been rejected. Four of the claims, Claims 28 to 31, have been withdrawn from consideration pursuant to a restriction requirement which has been made final. The remaining claims, Claims 10 to 27 and 32 to 41, have either been allowed or objected to. Applicant has amended her claims and respectfully submits that all the claims currently in this application are patentable over the grounds of rejection and objection advanced in the outstanding Official Action.

Claims 10 to 18, 22 and 36 stand objected to as being drawn to multiple inventions. That is, Claims 10 to 18, 22 and 36 include embodiments wherein the radical A is either CH or N. The claims of the present application have been restricted to the embodiment wherein A is CH. Thus, Claims 10 and 17, which each include the radical A as having the two aforementioned meanings, have been amended to limit the meaning of A to CH. As such, these claims and Claims 11-16 and 18, which depend from either of Claims 10 and 17, are also free of objection.

Claim 22 is an independent claim reciting any one of ninety-eight compounds. The Official Action avers that the last two compounds are outside the scope of the embodiment wherein A is CH.

Applicant has amended Claim 22 to remove the compounds denoted as 2-{4-[2-(3,4-dichloro-phenyl)-ethyl]-phenylamino}-nicotinic acid and 4-{4-[2-(3,3-dichloro-phenyl)-ethyl]-phenylamino}-nicotinic acid. Applicant submits that the two above-recited compounds are the only two of the ninety-eight compounds set forth in Claim 22 directed to a nicotinic acid. Those skilled in the art are aware that nicotinic acid is a six-membered heterocyclic ring

containing one ring nitrogen atom to which ring a single carboxy group is attached. As such, these are the only compounds recited in Claim 22 where A is nitrogen.

It is emphasized that the penultimate and ultimate species of Claim 22 are benzoic acid compounds where, of necessity, A is CH. Therefore, applicant respectfully traverses the requirement that the last two species of Claim 22 be deleted as being directed to a non-elected invention.

Applicant has noted a typographical error in one of the compounds of Claim 22. The spelling error included in the recitation N-(2-{4-[3-(3,4-dichloro-phenyl)]-phenylamino}-benzyl methanesulfonamide has been corrected. A cursory review of the compound originally recited in Claim 22 establishes that the term "methanesulfonamide" is misspelled. Insofar as this amendment merely corrects an obvious spelling error, this amendment adds no new matter to the application.

Finally, Claim 36 is also objected to, based on its dependence from Claim 22. The deletion of the two aforementioned compounds removes the objection raised thereto.

Claims 28 to 31 have been withdrawn from consideration pursuant to the making final of the restriction requirement imposed in the previous Official Action. Applicant reserves her right to file a divisional application directed to these restricted out claims. That application will also include the species restricted from Claim 22.

Claims 1 to 9, 42 and 43 have been rejected. Applicants have cancelled these claims. This cancellation should not be taken as a concession of the merits of the grounds of rejection advanced in the rejection of the cancelled claims. Applicant reserves the right to contest the rejection of Claims 1-9, 42 and 43 or to limit their scope in a continuation application.

The above amendment and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage to issue of these claims, Claims 10 to 27 and 32 to 41, is therefore respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marvin Bressler", with a long horizontal flourish extending to the right.

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